

graphical objects. The program is preferably executed on a user's personal computer or other electronic device. Using object-oriented principles, the user can construct custom objects along with customized mathematical and logical equations. Each object models a single financial entity (such as accounts, loans, assets) or financial activity (such as account-to-account transfers, deposits and withdrawals from accounts, computing taxes). Each object may have mathematical and logical equations associated with it to model a financial action. Within the software program, a user generates each graphical object, fills in the pertinent information about the object and then places the object onto a time-line. The program allows manipulation of these graphical financial objects by the user using a graphical user interface. The program allows the financial activity of each financial object to be concurrently simulated modeling past, current, and planned financial behavior. The program tightly binds current spending and budgeting with future spending and budgeting, by comparing actual financial activity to the modeled activity, and then extending this model into the future.

In analyzing a budget, the user could begin by simulating financial activity modeled by all graphical financial objects, starting with the earliest date in the past up to the present. The result of this analysis would graphically show discrepancies between the modeled financial activities and the actual activities. Means are provided to adjust the model to correct deficiencies. The user could also implement a planning analysis by extending the model of current financial activity into the future. A financial activity simulation of the planned financial objects would be performed, from the current date to the last planning date. Areas where data is considered to be invalid (such as negative account balances) would be highlighted for corrective action. Graphical means are provided to correct the invalid data.

Using an object-oriented and graphical user interface, the many simultaneous and interrelated financial activities planned over long periods of time can be effectively viewed, managed, and simulated. The present invention comprises a graphic financial planning tool along with a conventional text-based tool for logging past and current financial information to provide more accurate and realistic budget analyses.

The invention employs object-oriented concepts to manipulate information. Any object-oriented language, such as C++ or Java may be used to implement the present invention. See, for example, *Inside the Object Model, The Sensible Use of C++*, David M Papurt, SIGS Books 1995. In object-oriented parlance, a "class" defines both the data (constants or variables) associated with it and the methods (code that gets executed) defining valid actions for that class. The class data should only be accessed indirectly through its method calls. Objects are the usable instantiations of a class. Hence, there may be only one type of class used by an object-oriented program, but many separate objects whose characteristics and behavior are defined by the class. A class is a generic and abstract concept, while an object is a concrete entity that can be used in an application. It is important to note that the invention's Planning Analysis Tool uses class definitions to instantiate the objects that are graphically manipulated by the user, or read in from files saved on the computer system. Hence, the object-oriented details presented can be directly related to the graphical user interface details described. In the preferred embodiment of the present invention, the user would normally use the Planning Analysis Tool graphical user interface to create and manipulate objects.

Issue 1

Whether claims 1, 9, 11-12, 15-18, 21, 23-24, 26-30, 34, 36, 38, 42 are unpatentable as anticipated by Maggioncalda (U.S. Patent No. 5,918,217).

Failure to Establish a Prima Facie Case of Anticipation

The Office has rejected claims 1, 9, 11-12, 15-18, 21, 23-24, 26-30, 34, 36, 38, and 42 under 35 USC 102(e) as anticipated by Maggioncalda (U.S. Patent No. 5,918,217).

35 USC 102 provides the following:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1),

(2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to the grant of the patent. See *In re Oetiker*, 977 F. 2d 1443 (Fed. Cir. 1992). Under 35 USC 102, anticipation requires that there is no difference between the claimed invention and reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. See *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452. In the present case, the Office claims that the above-referenced claims are no different than those set forth in Maggioncalda. As more fully set forth below, this is not the case. Since the Office has failed to establish that there is no difference between the claimed invention and Maggioncalda, applicant is entitled to the grant of the patent with respect to the above-referenced claims.

Applicant respectfully contends that claim 1 is distinguishable from the invention described in Maggioncalda. The Office asserts that Maggioncalda teaches a personal financial management software program for recording, predicting and comparing financial data comprising a graphical user interface for creating, manipulating, and displaying objects for entering data from current financial transactions for recording purposes and a planning analysis tool comprising objects for entering projected financial data for a financial activity simulation and a budgeting analysis tool comprising objects for comparing current financial data with projected financial data. This is not correct. The reference cited by the Office does not encompass or make any reference to creating, manipulating or displaying objects of object oriented software. The office also asserts that Maggioncalda, (col 2 lines 44-47) discloses a planning analysis tool comprising objects for entering projected financial data for a financial activity simulation. This is also not correct. Although Maggioncalda may recommend a set of financial products based upon inputted financial values, that reference does not disclose a planning analysis

tool involving financial activity simulation. Based on the foregoing, claim 1 is not anticipated by Maggioncalda.

Claim 9 is dependent on claim 1. Therefore, for the reasons set forth above in support of claim 1, claim 9 is also not anticipated by Maggioncalda. Further, the Office asserts that Maggioncalda (col 2 lines 33-34) teaches a personal financial management software program according to claim 1 further comprising system interface objects to accept user preference defaults for use by the program tools. However, the reference cited by the Office does not refer to or disclose a system with the ability to accept user preference defaults. Therefore, claim 9 is not anticipated by the cited reference.

Claim 11 is dependent on claim 1. Therefore, for the reasons set forth above in support of claim 1, claim 11 is also not anticipated by Maggioncalda. Further, the present invention, in claim 11, teaches a financial management software program which prompts the user to implement financial activity that the program has deemed necessary or appropriate. The reference cited by the Office only teaches a system which recommends certain investment products to a user. For this reason also, claim 11 is not anticipated by Maggioncalda.

The Office asserts that claim 12 is anticipated by Maggioncalda because that invention teaches a personal financial management software program according to claim 2 further comprising account data from other financial programs imported into account objects. This is not correct. The reference cited by the Office does not disclose or refer to account data from other financial programs. Therefore, claim 12 is not anticipated by Maggioncalda.

Claim 15 is dependent on claim 1. Therefore, for the reasons set forth above in support of claim 1, claim 15 is also not anticipated by Maggioncalda. Further, the Office asserts that Maggioncalda teaches a personal financial management software program according to claim 1, wherein the planning analysis tool comprises a financial activity simulation of all objects created by the user, the simulation modeling all financial activity from the earliest date to the latest date entered. However, the reference cited by the Office does not teach a software program wherein the planning analysis tool comprises a financial activity simulation of all objects created by the user nor does it teach a

simulation modeling all financial activity from the earliest past date to the latest future date entered. Based upon the foregoing, claim 15 is not anticipated by Maggioncalda.

Claim 16 is dependant on claim 15. Therefore, for the reasons set forth above in support of claim 15, claim 16 is also not anticipated by Maggioncalda.

Claim 17 is dependent on claim 15. Therefore, for the reasons set forth above in support of claim 15, claim 17 is also not anticipated by Maggioncalda. Further the Office asserts that Maggioncalda (at col 14 lines 15-48) teaches a personal financial management software program according to claim 15 wherein the financial activity simulation is adjusted to eliminate discrepancies and shortfalls, and to provide a more accurate fit with actual financial activity. However, this is not correct. The reference cited by the Office does not reference financial activity simulation or an adjustment of financial activity simulation to eliminate discrepancies and shortfalls to fit with actual financial activity. Based upon the foregoing, claim 17 is not anticipated by Maggioncalda.

With respect to claim 18, the Office asserts that Maggioncalda teaches a method for recording, predicting, and comparing financial data using a personal financial management software program, comprising creating, manipulating, and displaying objects of object-oriented software programs by a graphical user interface and entering data from current financial transactions for recording purposes using objects of a current activity tool and entering projected financial data for simulating financial activity using objects of a planning analysis tool and comparing current financial data with projected financial data using objects of a budgeting analysis tool. This assertion is incorrect. The reference cited by the Office does not teach a method for recording, predicting and comparing financial data using a personal financial management software program, comprising creating, manipulating, and displaying objects of object-oriented software programs by a graphical user interface. Further, the reference cited by the Office does not teach the entering of projected financial data for simulating financial activity using objects of a planning analysis tool. Based upon the foregoing, claim 18 is not anticipated by Maggioncalda.

Claim 21 is dependent on claim 18. Therefore, for the reasons set forth above in support of claim 18, claim 21 is also not anticipated by Maggioncalda. Further, the Office asserts that Maggioncalda (col 13 line 59 - col 14 line 3)(Fig 8/810) teaches a

method according to claim 18, further comprising accepting user preference defaults by system interface objects for use by the program tools. However, the reference cited by the Office does not refer to or disclose a system with the ability to accept user preference defaults. Therefore, Maggioncalda does not anticipate claim 21.

Claim 23 is dependent on claim 18. Therefore, for the reasons set forth above in support of claim 18, claim 23 is also not anticipated by Maggioncalda. Further, the present invention, in claim 23, teaches a financial management system which prompts the user to implement financial activity that the program has deemed necessary or appropriate. The reference cited by the Office only teaches a system which recommends certain products to a user. For this reason also, claim 23 is not anticipated by Maggioncalda.

The Office asserts that claim 24 is anticipated by Maggioncalda because that invention teaches a method according to claim 19 further comprising importing account data from other financial programs imported into account objects. This is not correct. The reference cited by the Office does not disclose or refer to account data from other financial programs. Therefore, claim 24 is not anticipated by Maggioncalda.

Claim 26 is dependent on claim 18. Therefore, for the reasons set forth above in support of claim 18, claim 26 is not anticipated by Maggioncalda. Further, the reference cited by the Office does not teach or disclose an ability to enable a user to create and incorporate custom objects into the personal financial management software program. Therefore, claim 26 is not anticipated by Maggioncalda.

Claim 27 is dependent on claim 18. Therefore, for the reasons set forth above in support of claim 18, claim 26 is not anticipated by Maggioncalda.

Claim 28 is dependent on claim 27. Therefore, for the reasons set forth above in support of claim 27, claim 28 is not anticipated by Maggioncalda. Further, the Office asserts that Maggioncalda teaches a method according to claim 27, where simulating financial activity further comprises identifying and graphically depicting discrepancies and shortfalls in simulated transactions. However, the reference cited by the Office merely sets forth the range of possible investment portfolio values over time. Therefore, claim 28 is not anticipated by Maggioncalda.

Claim 29 is dependent on claim 27. Therefore, for the reasons set forth above in support of claim 27, claim 29 is not anticipated by Maggioncalda. Further, the reference cited by the Office does not disclose a method wherein objects are adjusted to eliminate discrepancies and shortfalls and a more accurate fit with actual financial activity is provided.

Claim 30 is dependent on claim 18. For the reasons set forth above in support of claim 18, claim 30 is also not anticipated by Maggioncalda.

The Office asserts that claim 34 is anticipated Maggioncalda because that invention teaches a personal financial management system for recording, predicting, and comparing financial data, comprising a graphical user interface for creating, manipulating and displaying objects of object-oriented software programs; a current activity tool comprising objects for entering data from current financial transactions for recording purposes; a planning analysis tool comprising objects for entering projected financial data for a financial activity simulation and a budgeting tool comprising objects for comparing current financial data with projected financial data. This is also not correct. Although Maggioncalda may recommend a set of financial products based upon inputted financial values, that reference does not disclose a planning analysis tool involving financial activity simulation. Based on the foregoing, claim 34 is not anticipated by Maggioncalda.

Claim 36 is dependent on claim 34. Therefore, for the reason set forth above in support of claim 34, claim 42 is also not anticipated by Maggioncalda. Further, the Office asserts that Maggioncalda (col 13 line 59 - col 14 line 3)(Fig 8/810) teaches a method according to claim 34, further comprising system interface objects to accept user preference defaults for use by the program tools. However, the reference cited by the Office does not refer to or disclose a system with the ability to accept user preference defaults. Therefore, claim 36 is not anticipated by Maggioncalda.

Claim 38 is dependent on claim 34. Therefore, for the reason set forth above in support of claim 34, claim 38 is also not anticipated by Maggioncalda. Further, the present invention, in claim 38, teaches a financial management system which prompts the user to implement financial activity that the program has deemed necessary or appropriate. The reference cited by the Office only teaches a system which recommends

certain products to a user. For this reason also, claim 38 is not anticipated by Maggioncalda.

Claim 42 is dependent on claim 34. Therefore, for the reason set forth above in support of claim 34, claim 42 is also not anticipated by Maggioncalda. Further the reference cited by the Office does not teach a personal financial management system according to claim 34, wherein the planning analysis tool comprises a financial activity simulation of all objects created by the user, the simulation modeling all financial activity from the earliest past date to the latest future date entered.

ISSUE 2

Whether claims 3, 5-8, and 20 are unpatentable over Maggioncalda in view of Leon (U.S. Patent No. 6,052,673) and further in view of Minton (U.S. Patent No. 6,014,643)

Failure to Establish a Prima Facie Case of Obviousness

Applicants believe that the Office has failed to meet its burden of establishing a *prima facie* case of obviousness under 35 U.S.C. 103(a) with regard to the rejection of claims 3, 5-8 and 20 as being unpatentable over Maggioncalda in view of Leon and further in view of Minton. The Office bears the initial burden of establishing a *prima facie* case of obviousness. *See In re Piasecki*, 223 USPQ785, 788 (Fed. Cir. 1984). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991), MPEP §2142 and § 2143. It is shown below that the Office has not met these criteria for establishing a *prima facie* case of obviousness because some suggestion to modify or combine the references has not been cited, there is not an expectation of

success if the references were modified or combined, and even if they were modified or combined, they do not teach or suggest Applicant's invention. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 974 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

First, with regard to the rejection of claims 3, 5-8, and 20, the Office has failed to point out a valid suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. It is important to note that the motivation to combine the references must be found in the prior art and not from the applicant's disclosure. In the present case, the Office cites no reference in the prior art that shows a motivation to combine these three references.

Second, with regard to the rejection of claims 3, 5-8, and 20, the Office has failed to show a reasonable expectation of success by combining the cited references. Minton discloses a network of data processing systems over which securities can be bought and sold. Maggioncalda is a self-contained investment advisory system. Lastly, Leon is a data processing system for investment management. The Office does not explain how these three inventions can be successfully combined to equal a personal financial management software program disclosed by the present invention. The Applicant requests that the Office provide the basis for a reasonable expectation of success when combining or modifying the cited references. The Applicant requests that the Office provide the basis for a reasonable expectation of success when combining or modifying the cited references.

Third, as more fully set forth below, the Office has failed to cite references that teach or suggest all the claim limitations of claims 3, 5-8, and 20.

With respect to claims 3 and 5-8, Leon does not teach a personal financial management software program with various account category or template objects and classes. Rather, Leon discloses an investment management system involving several separate financial institutions. Therefore, the references cited by the Office do not teach all the claim limitations of claims 3 and 5-8.

Regarding claim 20, none of the cited references contain the elements of claim 20, including the method according to claim 19 wherein the category class comprises an expense category class and an income category class.

Issue 3

Whether claims 2, 4, 10, 13-14, 19, 22, 25, 31-33, 35, 37, 39-41 are unpatentable over Maggioncalda in view of Minton.

Failure to Establish a Prima Facie Case of Obviousness

The Office has rejected claims 2, 4, 10, 13-14, 19, 22, 25, 31-33, 35, 37, and 39-41 on grounds that they are obvious under 35 USC 103(a) over Maggioncalda in view of Minton. However, the Office has failed to establish a prima facie case of obviousness with respect to these claims.

First, with regard to the rejection of claims 2, 4, 10, 13-14, 19, 22, 25, 31-33, 35, 37, and 39-41, the Office has failed to point out some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings.

Second, with regard to the rejection of claims 2, 4, 10, 13-14, 19, 22, 25, 31-33, 35, 37, and 39-41, the Office has failed to show a reasonable expectation of success by combining the cited references. Minton discloses a network of data processing systems over which securities can be bought and sold. Maggioncalda is a self-contained financial advisory system. The Office does not explain how these two inventions can be successfully combined to equal a personal financial management software program disclosed by the present invention. The Applicant requests that the Office provide the basis for a reasonable expectation of success when combining or modifying the cited references.

Third, with regard to the rejection of claims 2, 4, 10, 13-14, 19, 22, 25, 31-33, 35, 37, and 39-41, the Office has failed to cite references that teach or suggest all the claim limitations of Applicant's invention. None of the references teach a personal financial management software program for recording, predicting, and comparing financial data

comprising a graphical user interface for creating manipulating and displaying objects of object-oriented software. As set forth below, none of the references teach all the claim limitations of claims 2, 4, 10, 13-14, 19, 22, 25, 31-33, 35, 37, and 39-41. Applicant respectfully requests that the Office specifically point out in the cited references where the claim limitations discussed above may be found. The Applicant therefore believes that the Office has not established a *prima facie* case of obviousness. Therefore, all claims distinguish over the cited references. All of the dependent claims incorporate the limitations of their respective independent claims and provide further unique and non-obvious recitations.

With respect to claim 2, the Office asserts that Minton teaches a personal financial management software program according to claim 1, wherein each object class selected from the group consisting of an account class, a transaction class, a category class, and a template class. This is not correct. Claim 1 teaches a personal financial management software program for recording, predicting and comparing financial data comprising a graphical user interface for creating, manipulating, and displaying objects for entering data from current financial transactions for recording purposes and a planning analysis tool comprising objects for entering projected financial data for a financial activity simulation and a budgeting analysis tool comprising objects for comparing current financial data with projected financial data. Minton discloses none of the elements of claim 1. Further, the reference cited by the Office does not disclose a personal financial software program wherein each class selected from the group consisting of an account class, a transaction class, a category class, and a template class. Therefore, claim 2 is not obvious under 35 USC 103(a) over Maggioncalda in view of Minton.

Claim 4 is dependent on claim 2. Therefore, for the reasons set forth in support of claim 2, claim 4 is not obvious with respect to Maggioncalda in view of Minton. Further, the cited references do not disclose all the elements of claim 4.

With respect to claim 10, the Office asserts that Minton at Fig 12 teaches a personal financial management software program according to claim 1, further comprising cash objects used by transaction objects for tracking cash flows. However,

the references cited by the Office makes no reference to tracking cash flows. Therefore, claim 10 is not obvious in view of the cited references.

Claim 13 is dependent on claim 2. Therefore, for the reasons set forth in support of claim 2, claim 13 is not obvious with respect to Maggioncalda in view of Minton. Further, contrary to the Office's assertion, Minton (fig 4/425/412) does not teach a personal financial management software program according to claim 2 further comprising category data from other financial programs imported into category objects. The reference cited by the Office makes no reference to category data from other financial programs being imported into category objects.

Claim 14 is dependent on claim 1. However, as discussed above, neither Maggioncalda nor Minton disclose the elements of claim 1. Further, the references cited by the Office do not disclose the elements of claim 14. Therefore claim 14 is not obvious with respect to Maggioncalda in view of Minton.

Claim 19 is dependent on claim 18. However, the reference cited by the Office do not teach the limitations of claim 18. Further, the references cited by the Office do not teach the limitations in this claim including a method wherein the objects belonging to object classes comprising an account class, a transaction class, a category class, and a template class derived from a time/value formula. The Applicant requests the Office specifically cite the reference that discloses this limitation. Based on the foregoing, claim 19 is not obvious with respect to Maggioncalda in view of Minton.

With respect to claim 22, the references cited by the Office do not teach a method according to claim 18, further comprising tracking cash flows by cash objects used by transaction objects. The Applicant requests the Office specifically cite the reference that discloses this limitation.

Claim 25 is dependent on claim 19. Therefore, based upon the reasons set forth above in support of claim 19, claim 25 is also not obvious.

With respect to claim 31, contrary to the Office's assertion, Maggioncalda does not teach a computer-implemented method for personal financial management, comprising the steps of creating, manipulating and displaying objects of object-oriented software.

With respect to claim 32, Maggioncalda does not disclose a computer software program contained on a computer readable medium incorporating the method recited in claim 31.

Claim 33 is dependent on claim 31. Therefore, for the reasons set forth above in support of claim 31, claim 33 is not obvious.

With respect to claim 35, the references cited by the Office do not teach a personal financial management software system according to claim 34 wherein the objects belong to object classes comprising an account class, a transaction class, a category class, and a template class derived from a time/value class.

The Office asserts that Minton teaches a personal financial management system according to claim 34, wherein the objects belong to object classes comprising an account class, a transaction class, a category class, and a template class derived from a time/value class. This is not correct. First, Minton does not teach the claims limitations in claim 34. Further, the references cited by the Office do not teach the additional limitations in claim 37. Therefore, for the reasons set forth above in support of claim 34, claim 37 is not obvious.

Claim 39 is dependent on claim 35. Therefore, for the reasons set forth above in support of claim 35, claim 39 is not obvious. Further, the references cited by the Office do not teach a personal financial management system according to claim 35 further comprising account data from other financial programs imported into account objects.

Claim 40 is dependent on claim 35. Therefore, for the reasons set forth above in support of claim 35, claim 40 is not obvious. Further, the references cited by the Office do not teach a personal financial management system according to claim 35, further comprising category data from other financial programs imported into category objects.

Claim 41 is dependent on claim 34. Therefore, for the reasons set forth above regarding claim 34 in support of claim 37, claim 41 is not obvious. Further, the references cited by the Office do not allow a user to create and incorporate custom objects into the personal financial management software program.

Summary

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Douglas D. Russell, Applicants' Attorney at 512-338-4601 so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. Reconsideration and further examination is respectfully requested.

Respectfully Submitted,

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